

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN W. COLLINS and VITA COLLINS,

Plaintiffs,

v.

Case No. 11-cv-12999

MACOMB COUNTY SHERIFF  
ANTHONY WICKERSHAM, in his official  
and personal capacity; WELLS FARGO  
BANK, N.A., a National Association;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation, its successors and/or  
assigns; FEDERAL NATIONAL  
MORTGAGE ASSOCIATION, a federally  
chartered corporation; WRITS, INC., a  
Michigan corporation; jointly and severally,

Honorable Patrick J. Duggan

Defendants.

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**ORDER OF DISMISSAL**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on October 22, 2012.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Plaintiffs brought this “mortgage foreclosure” action against all of the above-named Defendants. A scheduling conference was held on May 15, 2012. At that time, the Court set a final pretrial conference for October 16, 2012 at 2:15 p.m. All counsel were present at the scheduling conference and received a copy of the Scheduling Order.

Prior to this date, all claims against Defendants other than Writs, Inc. had been resolved,

leaving only Writs, Inc. as a Defendant in this case.

Counsel for Writs, Inc. appeared at the scheduled time for the pretrial conference. Plaintiffs' counsel, Scott F. Smith, did not appear.

The Court's case manager attempted to reach Mr. Smith at the telephone number that the Court has for him. After numerous efforts, it was apparent that he could not be reached at the telephone number. The Court's judicial assistant located another telephone number for him through the online Michigan State Bar Directory, and eventually the case manager communicated with him. Plaintiffs' counsel's reason for not showing up was that he believed that the case had been dismissed as to all Defendants. The Court's case manager informed Plaintiffs' counsel that there had been no dismissal as to Writs, Inc. and inquired of him whether or not he intended to pursue the claim against Writs, Inc. Plaintiffs' counsel indicated that he did not believe that it would be worth pursuing the claim against Writs, Inc.

Because Plaintiffs' counsel failed to attend the pretrial conference, the Court is dismissing the claim against Writs, Inc. If Plaintiffs' counsel believes that there is a basis to set aside this Order of dismissal, the Court will entertain a motion to set aside this dismissal upon condition that Plaintiffs' counsel pay to defense counsel, Robert Kuhr, the sum of \$300 as costs for Mr. Kuhr having to appear for the scheduled pretrial conference. Such motion shall be filed by October 29, 2012 and shall contain verification that payment of the "sanction" amount has been sent Mr. Kuhr.

Mr. Kuhr will, of course, have the right to file any opposition to any motion filed by Mr. Smith.

**SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Scott F. Smith, Esq.  
Robert A. Kuhr, Esq.